

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KRAFT HEINZ FOODS COMPANY,

Plaintiff,

v.

AGRI STATS, INC., CLEMENS FOOD GROUP, LLC, THE CLEMENS FAMILY CORPORATION, HORMEL FOODS CORPORATION, HORMEL FOODS, LLC, JBS USA FOOD COMPANY, SEABOARD FOODS LLC, SMITHFIELD FOODS, INC., TRIUMPH FOODS, LLC, TYSON FOODS, INC., TYSON PREPARED FOODS, INC., AND TYSON FRESH MEATS, INC.,

Defendants.

Case No. 0:18-cv-01776-JRT-JFD
Individual Case No. 0:21-cv-01872-JRT-JFD

**JOINT STIPULATION REGARDING
KRAFT HEINZ FOOD COMPANY'S
DOCUMENT PRODUCTION AND
DEPOSITION DEADLINES**

Direct Action Plaintiff Kraft Heinz Foods Company ("Kraft") and Defendants hereby stipulate as follows:

WHEREAS, Defendants originally noticed the deposition of Kraft's Rule 30(b)(6) corporate representative(s) for December 8, 2022 and served a Notice of Deposition, after obtaining confirmation from Kraft that it had completed its document production;

WHEREAS, at Kraft's request due to the purported unavailability of Kraft's document production for its own use in preparing for deposition as a result of a data breach, Defendants ultimately agreed to reschedule the deposition of Kraft's Rule

30(b)(6) corporate representative(s) for February 3, 2023, and served an Amended Notice of Deposition;

WHEREAS, in January 2023, Kraft produced additional data in response to Defendants' requests for production;

WHEREAS, at Kraft's further request due to what Kraft's counsel represented to be conflicts with the scheduled date, Defendants again agreed to reschedule the deposition of Kraft's Rule 30(b)(6) corporate representative(s) for March 10, 2023, and served a Second Amended Notice of Deposition;

WHEREAS, the parties had previously agreed to conduct the deposition of Kraft's Rule 30(b)(6) corporate representative(s) on April 20, 2023, as set forth in Defendants' Third Amended Notice of Deposition;

WHEREAS, a week before the Rule 30(b)(6) deposition was to take place, on April 14, 2023, Kraft's counsel indicated that due to a document coding error, Kraft intended to produce approximately 77,000 more documents to Defendants, which production Kraft served on April 19, 2023;

WHEREAS, Defendants proposed a deadline of April 28, 2023, for Kraft to produce any additional documents and certify in writing the completion of Kraft's document production;

WHEREAS, on April 28, 2023, Kraft produced an additional 46,000 documents, which again were withheld due to coding errors in the prior productions;

WHEREAS, given the above circumstances, Defendants believe that it is necessary to have a stipulation and order with respect to the completion of fact discovery as to Kraft;

WHEREAS, Kraft is agreeable to such a stipulation and order; and finally

WHEREAS, Kraft and Defendants now wish to enter this Stipulated Order to ensure the timely completion (and certification thereto) of Kraft's document production obligations and that the deposition of Kraft's Rule 30(b)(6) corporate representative(s) is completed;

THEREFORE, IT IS HERBY STIPULATED that:

- (1) Kraft's counsel will, upon the filing of this Stipulation, immediately certify in writing to counsel for Defendants that its document production is complete;
- (2) the deposition of Kraft's 30(b)(6) corporate representative(s) will proceed on a mutually agreed date on or before **May 26, 2023**; and
- (3) Defendants will be entitled to seek any and all appropriate relief from this Court in the event Kraft violates any of these deadlines.

Dated: May 4, 2023

Respectfully submitted,

/s/ A. James Spung
Aaron Chapin (#0386606)
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A. James Spung (*pro hac vice*)
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